Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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STEVEN E. GREER, M.D.,

Plaintiff,

v.

15 Civ. 6119 (AJN)(JLC)

DENNIS MEHIEL; ROBERT SERPICO;
THE BATTERY PARK CITY
AUTHORITY; HOWARD MILSTEIN;
STEVEN ROSSI; JANET MARTIN;
MILFORD MANAGEMENT, a New York
Corporation; and MARINERS COVE
SITE B ASSOCIATES,

Defendants.

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New York, N.Y.
March 21, 2017
4:35 p.m.

Before:

HON. JAMES L. COTT,

Magistrate Judge

APPEARANCES

STEVEN E. GREER, Plaintiff Pro Se

SHER TREMONTE LLP
Attorneys for Defendants Robert Serpico and
The Battery Park City Authority
BY: MICHAEL TREMONTE
JUSTIN J. GUNNELL

ROSENBERG & ESTIS
Attorneys for Defendants Howard Milstein, Steven Rossi,
Janet Martin, Milford Management, and
Mariners Cove Site B Associates
BY: DEBORAH E. RIEGEL
ISAAC TILTON

the real estate defendants came on board, so -- in my second set of initial disclosures I absolutely provide all of the rationale for damages.

THE COURT: It's not just a question of rationale, though. It's a question of what documents, if any, do you have in your possession that back up your rationale, so to speak?

MR. GREER: In that rationale it clearly explains that IRS, tax, revenue, none of that is relevant whatsoever in the valuation of my company. That's not how you value an early-stage startup. I've done this in Wall Street.

THE COURT: That's your opinion about that. I don't think your opinion gets us to carry the day and you get to preempt what someone else wants to choose to do as far as how to valuate a company is concerned. Then you can have an argument about that down the road. That's not a basis to withhold documents to the extent they exist.

MR. GREER: Except I specifically worded the damages so as to not relate to revenue or income whatsoever. I am not claiming any reduction in revenue or income.

THE COURT: Let's talk about that because I need to understand what your damages claims are going to be going forward because that determines what the scope of discovery related to that should be. For example, I've had many cases where a plaintiff, in a variety of contexts, let's take employment discrimination for one, decides that they do not want to have to open their medical records to the employer and, therefore, waives any right to seek emotional distress damages in the case, for example, and, therefore, that no longer necessitates any discovery related to it.

With respect to the claim for damages to your website, what, if any, are you claiming? If you get to a trial in this case and there is a verdict form that is going to be submitted to the jury, will they be asked, from your perspective, to award you as damages, and if it's a category in which you think your business, if I can call it that, was harmed to a certain amount of money, then the defendants have the right during the discovery process to probe that claim on your part so that they have a way to defend themselves.

MR. GREER: It's detailed in the initial disclosures. The valuation is based on the output of my content, the stories, and I've shown them the decrease in output since I've been tied up in litigation, been forced out of New York. So BatteryPark.TV stories have plummeted, my number of interviews with doctors and so forth for the Healthcare Channel over the last two years has gone down.

My evidence is output of content, distraction from time off the job.

But the valuation of an early stage company, and I give several comparables of other media companies like it, most of them are losing tens of millions of dollars. Revenue and

BatteryPark.TV or as it relates to the Healthcare Channel.com, either category?

MR. GREER: The only thing would be my company bank statements.

THE COURT: I thought you said your bank statements are intermingled with your own personal bank statements.

MR. GREER: Not inappropriately intermingled so to make the LLC invalid. The same expenses overlap. The apartment I live in is also the rent. That's just one example. To show -- I would have to redact a lot of them, which I don't have the time to or ability to do so.

THE COURT: Dr. Greer, you're alleging that you've incurred damages between $7 million and $100 million due to lost value of these companies, right?

MR. GREER: Yes.

THE COURT: What is the basis for that allegation?

MR. GREER: It's in the initial disclosures. It's based on comparable sales, it's based on IPOs and sale values of other media companies that resembled mine and which went for hundreds of millions, so I'm being conservative.

THE COURT: Did you ever have any correspondence with anyone about valuing your company?

MR. GREER: Yes. Over the years, since I started the Healthcare Channel 10 years ago, I have met with every major media company you can imagine, so I've had numerous discussions documentation that you need beyond what you have, you'll tell me after you further discussed it with him. That's what we are doing on this subject.

MR. TREMONTE: Battery Park Healthcare. There, can we have the revenue over time? That's a different business model.

THE COURT: The revenue over time.

MR. GREER: We just discussed this.

MR. TREMONTE: Mr. Greer says --

THE COURT: In what form, based on the conversation we have had in colloquy, do you think there are documents that memorialize its revenue over time? Because I didn't hear anything.

MR. TREMONTE: Yes. He said they are subscribers. They are individual subscribers who pay a fee. If that's the case, there must be documentation of the payment and receipt of those fees, every fee, by every subscriber.

THE COURT: That strikes me as very burdensome.

MR. GREER: It's also irrelevant, your Honor, because I said revenue has nothing to do with the valuation.

THE COURT: That's your view of it.

MR. GREER: I'm an expert. I did this banking at the highest level and my models are still used by Wall Street executives now.

THE COURT: I really don't think that has any relevance whatsoever to a discovery issue in this case. That's your view of this. You can't inform what gets produced based on your own view of that. I tried to ask you this before. I really want to move along.

What documents, if any, exist that describe the revenue that Healthcare Channel.com receives? What documents are there? Let me ask it another way. If I want to be a subscriber, tonight, when I go home -- and I can assure you I am not going to be, for the record -- but if I wanted to go home and subscribe to Healthcare Channel.com tonight, what would I do? I would go online.

MR. GREER: It's a high-level Wall Street. It's not some anonymous thing. It's like large deals and Wall Street.

THE COURT: How will I pay for my subscription?

MR. GREER: With a large check. With an invoice and a large check.

THE COURT: How do I communicate to you that I want to be a subscriber?

MR. GREER: It's the same way salespeople work in Wall Street with clients. They call me, I reach out to them.

THE COURT: I can't go to the website?

MR. GREER: No, you can't pay on the website, no.

THE COURT: I can't go to Healthcare Channel.com and subscribe?

MR. GREER: No. It's too big for that. It's a $10,000 subscription, your Honor. I just revealed something.

MR. TREMONTE: That is correct, your Honor.

THE COURT: And like all lawyers, you think you have to have every single piece of paper in your hand before you can ask him questions, and that is just a fiction. And get over it and take his deposition and ask him the kinds of questions I was asking during colloquy and see where it leads. And if it leads you to the identification of actual documents that he hasn't produced, then you ask him for them. And if he refuses and you meet and confer and he still refuses, then you tell me and we will be back and we will have another conversation.

OK. Next.

MS. RIEGEL: I think what we were hoping to avoid, your Honor, and I hear you loud and clear, but I think what we were hoping to avoid was two depositions where we deposed Dr. Greer, we get additional documents, and we go back, but I hear you.

THE COURT: I'm not promising anything. I don't know how any of this is going to play out and you are going to run out of time because it's already March 21 and we are finished with discovery on April 14 and I've told you about 10 times I'm not moving that date, even if there is an act of God that intervenes. You are going to have to finish what you are doing between now and then. For all the many obvious reasons you can imagine why I'm holding you all. It's in your interests. The longer we keep this going in discovery, the more fights you going to rule on something that's not in front of me. You've made a discovery request. You've alleged $50,000 in damages. They want all documents that you have related to that. You're supposed to produce it within the discovery period. We have said it before and we will say it again. Anything you don't produce in the discovery period you can't use. So you better figure out how to produce it to get to $50,000.

MR. GREER: I'm in the middle of doing depositions. Between now and April 14, I will attempt to supplement what I've turned over.

THE COURT: Great. Next category.

MR. GREER: She mentioned other damages.

MS. RIEGEL: Next category of damage relates to the claim for mental distress, anxiety and depression. We have asked Dr. Greer for medical records or a HIPAA compliant authorization with respect to the medical claims. He has not provided either.

THE COURT: If you put that in play, you waive any privacy rights you otherwise would have related to that. This is what I was talking about earlier. If you don't want them to look into that, you can waive your right to seek damages on that basis.

MR. GREER: But I've answered it and they don't exist. I'm a doctor. I treat myself for most things. I have not sought any psychiatric, psychological therapy for mental conduct by the defendants?

MR. GREER: In my initial disclosures I explained that's valued by what other medical practices are worth and so forth. No. I have no documents.

MS. RIEGEL: Judge, Dr. Greer's response to the initial disclosure says that his claim for $20 million is based on his medical practice earnings or earning potential as compared to other doctors in the area. It goes back to -- I know your Honor said tax returns should be the measure of last resort. But if he's talking about damages to his earnings as a doctor or his potential earnings as a doctor, what he has earned as a medical professional is relevant to his damage claim.

THE COURT: Take his deposition first, inquire on the subject. If you're unsatisfied and you believe you are entitled to more, including his tax returns, review the case law on the subject, which you will find, as you may well know already, suggests that you don't, as a first matter, get someone's tax returns. You only get them if they are uniquely the source of information you cannot get from any other source, including the deposition of the witness.

I am reserving on that question until after the deposition. I think this whole issue about reputational damages is amorphous enough that you need to explore it, pin him down to sworn testimony, and then make a judgment that you

Dawson, Milstein, Soriero, Harvey, Ford.

THE COURT: And Rossi. That's eight. Plus two is then. You have 10.

MR. GREER: I can't count.

THE COURT: You get 10, unless you want to substitute the person you just said for someone else.

MR. GREER: Let's see if I want to substitute. Can we substitute Gwen Dawson for Karl Koenig.

THE COURT: Now you don't have to talk to Ms. Dawson.

Mr. Koenig.

MR. GREER: Yes, Karl Koenig.

THE COURT: Karl Koenig. What is his position?

MR. GREER: It's high up. They have so many names. I don't know.

MR. TREMONTE: He wasn't on our radar screen, your Honor. We will have to confer with him.

THE COURT: I know. Sometime between now and April 14 you'll work it out.

MR. TREMONTE: Yes, your Honor.

THE COURT: I don't think I got an answer about when Dr. Greer's deposition is going to be.

MR. TREMONTE: Dr. Greer proposed that final week. That's amenable to us. The only question I have is I anticipate, your Honor, we will, of course, do our level best, especially in light of the Court's comments today, to keep our postdeposition document demands to a rational minimum, but I expect there will be some. If we make them that last week, Dr. Greer will almost certainly need -- he will probably need more time to produce. I assume that that's OK with the Court. But his production --

THE COURT: In terms of the April 14 deadline?

MR. TREMONTE: For discovery.

THE COURT: If you make any postdeposition document requests before the 14th, you are entitled to do that and Dr. Greer, obviously, has to respond to them to you. And then if there is any issue that flows from that, I'm sure I'll hear about it, keeping in mind that I have a jury trial beginning April 24 for two weeks, so you may not hear from me for a while because, guess what, I work on other cases. Did you know that, Dr. Greer? Are you aware that I'm not a one-case guy? Not just your case.

To that end, by the way, I think someone at the back table sent at 12:30 today a request to have phones brought in, and I can't turn on a dime like that. If you need that sort of relief, you have to ask me the day before.

MS. RIEGEL: We apologize, your Honor. It was the court reporter and she had a child care issue and she was a little exercised because she didn't realize she wouldn't be able to bring in her phone.

THE COURT: Did it get worked out?